

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

**ROBERTO JUAREZ AND GLORIA
JUAREZ,**

Plaintiffs,

v.

**TRISMART SOLAR LLC AND SOLAR
MOSAIC LLC,**

Defendants.

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Cause No. 7:24-CV-00527

**DEFENDANT SOLAR MOSAIC LLC’S NOTICE OF UNOPPOSED MOTION AND
REPLY IN SUPPORT OF MOTION TO COMPEL ARBITRATION**

Defendant Solar Mosaic LLC’s (“Mosaic”) Motion to Compel Arbitration should be granted as it was unopposed. Mosaic’s Motion to Compel Arbitration was filed on January 3, 2025. (ECF No. 7). Plaintiffs’ response was due by January 24, 2025. *See* Local Rule 7.3. “Failure to respond to a motion will be taken as a representation of no opposition.” Local Rule 7.4; *see also T.M.B. Assoc., LLC v. Bank of Am., N.A.*, Civil Action No. H-23-3937, 2024 WL 466802, at *2 (S.D. Tex. Jan. 2, 2024) (taking a failure to respond to a party’s motion to compel arbitration as a representation of no opposition and finding that Plaintiff agreed to arbitration). As of January 27, 2025, Plaintiffs have not responded to the Motion. There is no substantial justification for Plaintiffs’ failure to timely respond. As such, the Motion should be considered unopposed.

“Under the FAA, a written arbitration agreement is prima facie valid and must be enforced unless the opposing party . . . alleges and proves that the arbitration clause itself was a product of fraud, coercion, or such grounds as exist at law or in equity for the revocation of the contract.” *Freudensprung v. Offshore Tech. Servs., Inc.*, 379 F.3d 327, 341 (5th Cir. 2004) (internal quotations omitted). Because Plaintiffs have failed to oppose the Motion, they have

not met their burden to prove that there is any defense to the written arbitration agreement.

Accordingly, the Court should grant the Motion, compel arbitration of Plaintiffs' claims against Mosaic and stay this action pending arbitration.

DATED: January 27, 2025

Respectfully submitted,

SHEPPARD, MULLIN, RICHTER &
HAMPTON LLP

/s/ Aimee C. Oleson

Aimee C. Oleson

aoleson@sheppardmullin.com

Texas Bar # 24036391

SHEPPARD MULLIN RICHTER & HAMPTON LLP

2200 Ross Avenue, Suite 2000

Dallas, Texas 75201

Telephone: 469.391.7418

Fax: 469.391.7401

Counsel for Defendant Solar Mosaic LLC

CERTIFICATE OF SERVICE

I hereby certify that, on January 27, 2025, a true and correct copy of the foregoing document was served on the following counsel of record by the Court's electronic filing system:

Brandon A. Kinard
Abraham Garcia
Carlos A. Saldana
KGS LAW GROUP
150 W. Parker Rd. Suite 705-B
Houston, Texas 77076
litigation@kgslawpllc.com

Attorneys for Plaintiff

D. Joe Griffin
TriSMART Solar, LLC
600 Northpark Central Drive, Suite 140
Houston, Texas 77073
dgriffin@trismartsolar.com

Attorney for TriSmart Solar, LLC

/s/ Aimee C. Oleson
Aimee C. Oleson